

ORDINANCE 456-09

AN ORDINANCE AUTHORIZING THE OPERATION OF
GOLF CARTS AND NEIGHBORHOOD VEHICLES
ON THE CITY OF ALTAMONT STREETS

WHEREAS, the City of Altamont, Illinois is authorized pursuant to 65ILCS 5/11-1428 to allow for the operation of golf carts and neighborhood vehicles on the streets under the jurisdiction of the City of Altamont, Illinois; and

WHEREAS, it has come to the attention of Mayor and City Council that the use of golf carts and neighborhood vehicles creates a potential traffic hazard for other vehicular traffic as well as a danger to the occupants of golf carts and neighborhood vehicles; and

WHEREAS, after consideration of the volume, speed, and character of traffic on the City streets, the Mayor and City Council has determined that golf carts and neighborhood vehicles may safely travel on City Streets.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALTAMONT, EFFINGHAM COUNTY, ILLINOIS THAT:

Section 1. Definitions

Golf Cart: Shall not be capable of speeds exceeding 20 miles per hour. The definition of golf cart specifically excludes all terrain vehicles, ATV's, or any vehicle that is not a golf cart.

Neighborhood Vehicle: self-propelled, electronically powered fourth-wheeled motor vehicle (or a self-propelled, gasoline powered four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) which is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.R.F. Part 571.500.

City Streets: any part of the streets within the boundaries of the City of Altamont except State and County roads.

State Roads: include Illinois Route 128 and U.S. Route 40.

Section 2. Requirements

All persons wishing to operate a golf cart or neighborhood vehicle on the streets of the City of Altamont must be equipped with the following:

1. Windshield
2. Horn
3. Brakes
4. Turn signals
5. Steering apparatus
6. Tires
7. Rearview mirror
8. Slow moving emblem as required by ILCS 5/12-709 attached to the rear of the golf cart or neighborhood vehicle.
9. Headlight that emits a white light visible from a distance of 500 feet to the front
10. Tail lamp that emits a red light visible from at least 100 feet from the rear
11. Brake lights
12. Seat belts
13. Red flag approximate size of 10"x12" on a 6 ft fiberglass pole.

Section 3. Additional Requirements

1. Proof of liability insurance
2. Must display City permit on front drivers side of golf cart or neighborhood vehicle.
3. Must be inspected by the City Police Chief or Designated Representative. (Exhibit A-3)
4. There shall be no modification to the golf cart suspension.

Section 4. Drivers and Passengers

1. Drivers must be 18 years of age and hold a valid Illinois Driver's License.
2. Passengers under age of 5 years are not permitted.
3. A person who drives or is in actual physical control of a golf cart or neighborhood vehicle on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500 thru 11-502)

Section 5. Operation of Golf Cart or Neighborhood Vehicle

1. When operated on a street, a golf cart or neighborhood vehicle shall have its headlight and tail lamps lighted (625 ILCS 5/11-1428)
2. Must obey all provisions of the Illinois Vehicle Code, as amended from time to time.
3. Must not exceed 20 miles per hour.
4. May only be operated between sunrise and ~~sunset~~ 10:00 pm (revised 9/23/19 #671-19)

5. Shall not be operated on sidewalks or in City parks other than parking areas and park roadways.
6. May not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois Route 128 or U.S. Route 40) or the County Highway Department.
7. May not be operated on State or County roads except to cross at designated streets when authorized by the State of Illinois Department of Transportation or County Highway Department as applicable. The City of Altamont will insure that signs are erected to designate authorized crossing points.
8. May not transport open alcoholic beverages in golf cart or neighborhood vehicle.

Section 6. Restricted Streets

Golf carts and neighborhood vehicles may not be operated on restricted streets and may only use designated crossings of those restricted streets as listed on Exhibit A-1.

Section 7. Permits

1. No person shall operate a motorized golf cart or neighborhood vehicle without a permit from the City Clerk as provided herein. Permits shall be granted for a non pro-rated period of one calendar year and may be renewed annually. The cost of a permit is \$50.00. Insurance coverage is to be verified in effect by the City Clerk when renewing the permit.
2. Every application for a permit shall be made on a form supplied by the City and shall contain the following information: (Exhibit A-2)
 - (a) Name and address of applicant
 - (b) Name of liability insurance carrier
 - (c) Serial number, make, model, and description of the golf cart or neighborhood vehicle.
 - (d) Signed waiver of liability by applicant releasing the City of Altamont from any and all future claims resulting from the operation of their golf cart or neighborhood vehicle on City of Altamont Street. (Exhibit A-4)
 - (e) Photostatic copy of applicable liability insurance coverage card or certificate of insurance specifically for the golf cart or neighborhood vehicle to be operated on the City Street.
 - (f) Such other information as the City may require.
3. No permit shall be granted unless the following conditions are met:
 - (a) The golf cart or neighborhood vehicle must be inspected by the City Chief of Police (or designee) to insure the vehicle is safe to operate on City streets and is in compliance with the requirements of this Ordinance
 - (b) The handicapped applicant must submit a certificate signed by a physician, that the handicapped applicant is able to safely operate a motorized golf cart or neighborhood vehicle on the roadways designated or show proof of current handicap status from Illinois Secretary of State.
 - (c) The applicant must provide evidence of insurance in compliance with the provisions of Illinois Statutes regarding minimum liability insurance for

passenger motor vehicles to be operated on the roads of the State of Illinois.

The City Council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this Ordinance or if there is evidence that the permittee cannot safely operate the motorized golf cart or neighborhood vehicle on the designated roadways.

Any person who violates any provisions of this ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine of not less than \$75 and not more than \$500.00.

Every person operating a golf cart or neighborhood vehicle pursuant to permit hereunder on designated City streets has the rights and duties applicable to a driver of any other vehicle pursuant to the state highway traffic laws and regulations except when those provisions cannot reasonably be applied to motorized golf carts or neighborhood vehicles.

This ordinance shall be in full force and effect commencing September 15, 2009.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Altamont, Effingham County, Illinois, as required by law and approved by the Mayor this 14th day of September 2009.

LARRY E. TAYLOR, MAYOR

ATTEST:

SARAH STEPHEN, CITY CLERK

(MUNICIPAL SEAL)

Exhibit A-1

Restricted Streets

In accordance with Ordinance No.456-09 use of the following streets are restricted to golf carts and neighborhood vehicles use, within the City of Altamont, Illinois.

Streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois Route 128 or U.S. Route 40) or the County Highway Department.

Main Street from Jackson Avenue to Route 40.

Division Street from Route 40 to Tenth Street.

Designated Crossings of Restricted Streets

In accordance with Ordinance No. 456-09 the following designated crossings of restricted streets are approved for golf cart and neighborhood vehicle use, within the City of Altamont, Illinois.

Main Street from Jackson Avenue to Route 40; designated crossings are located at the cross streets of Jackson Avenue, Monroe Avenue, Adams Avenue, Lincoln Avenue, and Grant Avenue

Division Street from City limits to Tenth Street; designated crossings are located at the cross streets of Ewing Street and Third Street.

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US Route 40; designated crossings are located at the cross streets of South Third Street and South Edwards Street.

Exhibit A-2

Permit Application

PURPOSE: This application is for a permit to operate a golf cart or neighborhood vehicle on City of Altamont streets in accordance with City of Altamont Ordinance Number 456-09.

Applicant Information

Name _____ Date of Birth _____
Address _____ Phone # _____
Illinois Drivers License _____ Expiration Date _____
Liability Insurance Carrier _____ Policy Number _____

Golf Cart or Neighborhood Vehicle Information

Make _____ Model _____ Color _____
Serial Number _____ Number of seats _____
Description _____

I, _____ hereby acknowledge receipt of a copy of the City of Altamont Ordinance Number 456-09 and affirm that all information provided above to be true and factual

Signature of Applicant

Date

Exhibit A-3

**Golf Cart or Neighborhood Vehicle
Inspection Report**

Purpose: This Golf Cart or Neighborhood Vehicle Inspection Report is required to insure that golf carts or neighborhood vehicles operated on streets in the City of Altamont are in strict compliance with the City of Altamont Ordinance Number 456-09.

Date of Inspection _____ Time of Inspection _____

Applicant Name _____

Vehicle Make _____ Serial Number _____

Place an (x) to left of requirement to indicate compliance and verifying item is functional.

_____ Proof of liability insurance (**Attach copy to Inspection Report**)

_____ Signed "Waiver of Liability" (**Attach copy to Inspection Report**)

_____ Valid Illinois Drivers License (**Attach copy to Inspection Report**)

_____ Windshield ___ Horn ___ Brakes ___ Turn Signals

_____ Steering Wheel ___ Tires ___ Rearview Mirror ___ Headlights

_____ Tail Lamp ___ Brake Lights ___ Red Flag ___ Seat belts

_____ Slow Moving Vehicle Emblem

The above described vehicle **is / is not** (circle one) in compliance with Ordinance 456-09 requirements and **is / is not** (circle one) granted a permit for operation within the City of Altamont.

Permit Number _____ Expiring _____

Inspected By _____

Signature

Exhibit A-4

UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT TO SUE.

This is a legally-binding UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT TO SUE made by me, _____ (hereinafter referred to as Operator) to City of Altamont and its Council (hereinafter referred to as the City)

I FULLY RECOGNIZE THAT THERE ARE DANGERS AND RISKS TO WHICH I MAY BE EXPOSED BY OPERATING A GOLF CART OR NEIGHBORHOOD VEHICLE ON CITY STREETS. THE FOLLOWING IS A DESCRIPTION AND/OR EXAMPLES OF SIGNIFICANT DANGERS AND RISKS ASSOCIATED WITH THIS ACTIVITY: INJURY TO MYSELF OR OTHERS, DAMAGE TO MY PROPERTY OR THAT OF OTHERS, DEATH OF MYSELF OR OTHERS.

IN NO EVENT SHALL THE CITY BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER ARISING IN TORT, CONTRACT OR ANY OTHER LEGAL THEORY, IN CONNECTION WITH OR ARISING OUT OF OPERATOR'S USE OF A GOLF CART OR NEIGHBORHOOD VEHICLE ON CITY STREETS.

THE OPERATOR, AS OF THE DATE BELOW, SHALL HEREINAFTER SAVE, HOLD HARMLESS, AND INDEMNIFY THE CITY AGAINST ANY AND ALL LIABILITY, CLAIMS, CAUSES OF ACTION AND COSTS OF WHATSOEVER KIND AND NATURE INCLUDING, WITHOUT BEING LIMITED TO INJURY, DAMAGE, LOSS INCLUDING DEATH, RESULTING FROM, ARISING OUT OF, OR OCCURRING IN CONNECTION WITH THE USE OF THIS GOLF CART OR NEIGHBORHOOD VEHICLE ON CITY STREETS.

I understand that the City has an ordinance governing the use of golf carts and/or neighborhood vehicles on City streets and hereby agree to conform with all requirements on the City Ordinance at all times. I have had the opportunity to read said Ordinance and my signature below acknowledges that I will comply with this Ordinance and all of the applicable traffic laws of the State of Illinois at all times when operating this golf cart on City streets.

I, THEREFORE, AGREE TO ASSUME AND TAKE ON MYSELF ALL OF THE RISKS AND RESPONSIBILITIES IN ANY WAY ASSOCIATED WITH THIS ACTIVITY. IN CONSIDERATION OF AND RETURN FOR THE OPPORTUNITY TO OPERATE A GOLF CART ON CITY STREETS. I RELEASE THE CITY (AND COUNCIL, EMPLOYEES, AND AGENTS) FROM ANY AND ALL LIABILITY, CLAIMS AND ACTIONS THAT MAY ARISE FROM INJURY OR HARM TO ME OR OTHERS, INCLUDING DEATH, OR FROM DAMAGE TO MY PROPERTY OR PROPERTY OF ANY OTHER IN CONNECTION WITH THIS ACTIVITY. I UNDERSTAND THAT THIS RELEASE COVERS LIABILITY, CLAIMS AND ACTIONS CAUSED ENTIRELY OR IN PART BY ANY ACTS OR FAILURES TO ACT ON MY PART, INCLUDING BUT NOT LIMITED TO NEGLIGENCE, MISTAKE, OR FAILURE TO ENFORCE, SUPERVISE, OR MAINTAIN.

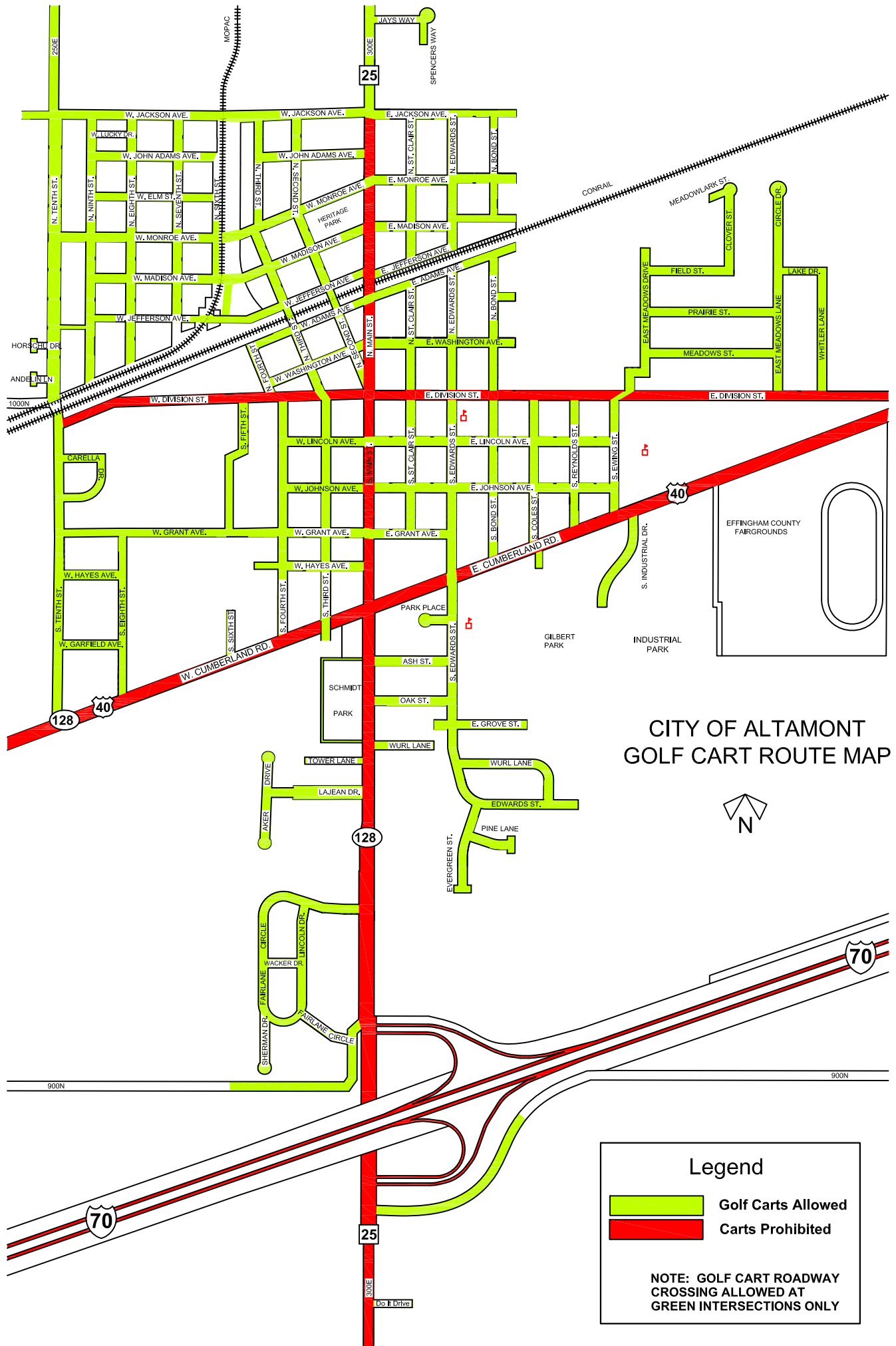
I assure the City that there are no health-related reasons or problems which preclude or restrict my participation in this activity. I further assure the City that I have adequate health and liability insurance necessary to provide for and pay any medical costs or property damage that may directly or indirectly result from my participation in this activity, and I will indemnify and hold the City harmless for any such medical costs or property damage.

I understand that this Release means I am giving up, among other things, rights to sue the City, its Council, employees and/or agents for injuries (including death), damages, or losses I may incur or cause. I also understand that this Release binds my heirs, executors, administrators, and assigns, as well as myself.

I HAVE READ THIS ENTIRE RELEASE, I FULLY UNDERSTAND IT, AND I AGREE TO BE LEGALLY BOUND BY IT.

Operator's Signature

Date



CITY OF ALTAMONT GOLF CART ROUTE MAP



Legend

- Golf Carts Allowed
- Carts Prohibited

**NOTE: GOLF CART ROADWAY
CROSSING ALLOWED AT
GREEN INTERSECTIONS ONLY**